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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,226	03/21/2001	Takehide Miyazaki	FUJI 18.488	2007
26304	7590	10/05/2004	EXAMINER	
KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585			SINGH, RAMNANDAN P	
			ART UNIT	PAPER NUMBER
			2644	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/814,226	MIYAZAKI ET AL.	
	Examiner	Art Unit	
	Ramnandan Singh	2644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1)  Responsive to communication(s) filed on 21 March 2001.
- 2a)  This action is FINAL.                    2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4)  Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-13 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on 21 March 2001 is/are: a)  accepted or b)  objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some \* c)  None of:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy in Japanese has been filed on August 05, 2002.

### *Claim Objections*

2. Claim 1 is objected to because of the following informalities:

Claim recites the limitation "to enclose both the plug-in unit **connector**" in line 18. This is in error. Change "**connector**" to ---connectors---

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 2, 7-8, 9, 10, 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Denzene et al [US 20010004316 A1].

Regarding claim 1, Denzene et al teach a telecommunications apparatus (i.e. **equipment**) including a substantially box-shaped subrack having a back wiring board mounting a connector and a plurality of shell-type plug-in units inserted in the subrack so that a connector of each of the plug-in units is connected to the connector of the subrack, the telecommunications apparatus comprising:

a flexible, electrically conductive seal member elastically deformedly disposed between a lateral surface of the plug-in unit inserted into the subrack and an interior portion of the subrack so as to enclose both the plug-in unit connectors [Figs. 1-7; Para: 0002; 0013; 0016—0017; 0025-0027; 0031-0034; 0037-0040; 0044; 0046].

Regarding claim 9, Denzene et al further teach the telecommunications apparatus wherein the seal member is made of a material selected from a group consisting of electrically conductive rubber, electrically conductive elastomer, electrically conductive sponge, electrically conductive plastic, electrically conductive gel rubber, electrically conductive silicon rubber, or a dispense gasket [Abstract; Para: 0003-0004; cc17; 0027; 0031-0032; 0046; claim 11].

Claim 2 is essentially similar to claim 1 except for rectangular openings (i.e. **entry holes**). Denzene et al further teach the telecommunications equipment having rectangular entry holes [Para: 0014; 0027; 0032; 0034-0035; 0038; 0040].

Regarding claims 7-8, 10, 12-13, the limitations are shown above.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Denzene et al as applied to claim 2 above, and further in view of Jamet et al [US 5,266,053].

Regarding claim 3, Denzene et al do not teach expressly the telecommunication apparatus wherein the openings in the frame member are oblong shaped; and the seal member has a flange portion on a side of the seal member.

Jamet et al teach a telecommunication apparatus wherein the openings in the frame member are oblong shaped; and the seal member has a flange portion (34), (35) on a side of the seal member disposed opposite an inserted end of the plug-in unit, the flange portion entering an interior of the oblong opening [Fig. 4; Abstract; col. 2, line 41 to col. 3, line 2; col. 4, lines 6-64]. It is, nevertheless a teaching to one of ordinary skill in the art to apply the same with Denzene et al.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the electromagnetic seal consisting of an oblong metal plate of Jamet et al with Denzene et al to protect telecommunication equipment against electromagnetic interference [Jamet et al; col. 1, lines 9-18].

Regarding claims 4-6, the limitations are shown above.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Denzene et al [US 20010004316 A1] in view of Jamet et al [US 5,266,053].

Regarding claim 11, Denzene et al teach a telecommunications apparatus (i.e. **equipment**) including a substantially box-shaped subrack having a back wiring board mounting a connector and a plurality of shell-type plug-in units inserted in the

subrack so that a connector of each of the plug-in units is connected to the connector of the subrack, the telecommunications apparatus comprising:

a flexible, electrically conductive seal member elastically deformedly disposed between a lateral surface of the plug-in unit inserted into the subrack and an interior portion of the subrack so as to enclose both the plug-in unit connectors [Figs. 1-7; Para: 0002; 0013; 0016—0017; 0025-0027; 0031-0034; 0037-0040; 0044; 0046],

wherein the seal member is made of a material selected from a group consisting of electrically conductive rubber, electrically conductive elastomer, electrically conductive sponge, electrically conductive plastic, electrically conductive gel rubber, electrically conductive silicon rubber, or a dispense gasket [Abstract; Para: 0003-0004; cc17; 0027; 0031-0032; 0046; claim 11].

Denzene et al do not teach expressly the telecommunication apparatus wherein the openings in the frame member are oblong shaped; and the seal member has a flange portion on a side of the seal member.

Jamet et al teach a telecommunication apparatus wherein the openings in the frame member are oblong shaped; and the seal member has a flange portion (34), (35) on a side of the seal member disposed opposite an inserted end of the plug-in unit, the flange portion entering an interior of the oblong opening [Fig. 4; Abstract; col. 2, line 41 to col. 3, line 2; col. 4, lines 6-64]. It is, nevertheless a teaching to one of ordinary skill in the art to apply the same with Denzene et al.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to apply the electromagnetic seal consisting of an oblong metal plate of Jamet et al with Denzene et al to protect telecommunication equipment against electromagnetic interference [Jamet et al; col. 1, lines 9-18].

### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramnandan Singh whose telephone number is (703)308-6270. The examiner can normally be reached on M-F(8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester Isen can be reached on (703)-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramnandan Singh  
Examiner  
Art Unit 2644



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FORESTER W. ISEN  
SUPERVISORY PATENT EXAMINER